

United States District Court

EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTIN DALE KILLER,

Defendant.

CRIMINAL COMPLAINT

Case No. 23-MJ-150-DES

I, Adam Noble, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

On or about February 6, 2023, in the Eastern District of Oklahoma, JUSTIN DALE KILLER, committed the crime of **Felon in Possession of a Firearm**, in violation of Title 18, United States Code, Section(s) 922(g)(1) and 924(a)(8).

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

(See attached Affidavit of Adam Noble, which is attached hereto and made a part hereof by reference.)

☒ Continued on the attached sheet.



Adam Noble
Special Agent
Federal Bureau of Investigation

Sworn to on June 9, 2023.

D. EDWARD SNOW

UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer



Signature of Judicial Officer



AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Adam Noble, being duly sworn, depose and state that:

INTRODUCTION

1. Your Affiant is a Special Agent with the Federal Bureau of Investigation (“FBI”) and has been so employed since approximately June 2021. As such, I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7). That is, I am an officer of the United States, who is empowered by law to conduct investigations regarding violations of United States law, to execute warrants issued under the authority of the United States, and to make arrests of the offenses enumerated in Title 18, Title 21, and Title 26 of the United States Code.
2. I am currently assigned to the FBI’s Oklahoma City Field Office, Fort Smith Resident Agency where my duties involve investigating criminal violations of federal law to include crimes occurring in Indian Country.
3. Prior to employment with the FBI, I was previously employed by the Clarksville Police Department located in Clarksville, Tennessee. Throughout my tenure at the Clarksville Police Department, I maintained various roles, to include patrol officer, crisis negotiator, and a Detective assigned to the District One Criminal Investigative Unit. While employed by the Clarksville Police Department, I have attended a variety of law enforcement training schools and courses to include the Tennessee Law Enforcement Training Academy (TLETA).
4. Throughout the totality of my total Law Enforcement experience, I have participated and assisted in the investigation and prosecution of numerous cases involving violent crimes, some of which include homicides, robberies, burglaries, various degrees of assault, arson and crimes against children. Throughout the totality of these investigations, I have conducted physical and

electronic surveillance and have participated in the execution of state and federal search warrants.

5. As a Federal Agent, I am authorized to investigate violations of the laws of the United States, and to execute warrants issued under the authority of the United States.
6. The statements contained in this Affidavit are based in part on: information provided by other agencies, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; independent investigation; and my experience training and background as a Special Agent with the FBI. Because this Affidavit is being submitted for the limited purpose of establishing probable cause to believe that JUSTIN DALE KILLER committed the below described offense, I have not included every detail of the investigation. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries in substance and in part. The following is true to the best of my knowledge and belief.

PROBABLE CAUSE

7. As will be shown below, there is probable cause to believe that JUSTIN DALE KILLER (Date of Birth: XX/XX/1983) committed a violation of Title 18, United States Code, Section, 922(g)(1) and 924(a)(8) which occurred within the boundaries of the Cherokee Nation.
8. VENUE: The facts and circumstances alleged in this Affidavit occurred within the Eastern District of Oklahoma.
9. DEFENDANT: The Defendant is JUSTIN DALE KILLER, hereafter referred to as "KILLER".

10. This Affidavit is intended to show there is sufficient probable cause for a Complaint and Arrest Warrant for the crime in violation of Title 18, United States Code, Section, 922(g)(1) and 924(a)(8). In support of this request, I submit the following:
11. On February 6, 2023, at approximately 0800 hours, law enforcement officers with the Stilwell Police Department were dispatched to 100 West and Section Line Road in reference to a white Toyota Corolla swerving all over the road. While in route to the call, responding law enforcement officers were notified that the vehicle was located in the Hogner Heights housing authority. Responding law enforcement personnel arrived at the Hogner Heights housing authority in an attempt to locate the vehicle.
12. Law enforcement made contact with a vehicle bearing Oklahoma tag "LRK273" inside of the Hogner Heights housing authority. Law enforcement made contact with KILLER, the driver of the aforementioned vehicle. Upon approach of the driver side of the vehicle, KILLER was observed moving around and appeared to place something inside of the center console of the vehicle. During law enforcement officers' initial interaction with KILLER, KILLER was shaking and breathing heavily. Additionally, law enforcement smelled an odor of alcoholic beverage that was emanating from within the vehicle.
13. KILLER consented to performing standardized field sobriety tests for responding law enforcement personnel. As KILLER exited the vehicle, law enforcement officers informed KILLER that a pat-down search for weapons would be conducted for officer safety reasons. While a pat-down was conducted by a law enforcement officer on KILLER, a large bulge in the left front pocket of KILLER's pants was felt. KILLER stated to law enforcement officers that the bulge was "weed". Officers located a pink zip-lock bag containing a large amount of a white, crystal-like substance. Based on the responding law enforcement officers training and

experience, the white, crystal-like substance was believed to be suspected methamphetamine. An additional yellow plastic bag containing a white, crystal-like substance and a clear baggie with a white, powdery substance was located on KILLER's person. KILLER was placed in handcuffs and placed in the backseat of a patrol car.

14. Law enforcement officers conducted a probable cause search of KILLER's vehicle. Inside of the center console of the vehicle, a large clear bag containing a green, leafy substance, a glass smoking device, and a black scale in working order with a white substance on it was located. Additionally, a black and silver .38 Special Taurus revolver, bearing serial number BX83290, containing three live rounds was located in the center console. A portion of the located substance was field tested, which tested positive for methamphetamine.
15. At the time of the stop, KILLER was the only individual in the vehicle.
16. Based upon a review of KILLER's criminal history, it was learned that KILLER plead nolo contendere to Manslaughter First Degree, a felony, on or about September 15, 2011. KILLER received a 20-year sentence, 4 of which was to be served incarcerated. Additionally, on or about August 4, 2016, KILLER was sentenced to five years for two counts of Receiving, Possessing, or Concealing stolen property, a felony charge.
17. Furthermore, KILLER was on federal supervised release at the time of this incident. The supervised release was the result of a conviction of Felon in Possession of a Firearm in the Eastern District of Oklahoma from April 18, 2019.
18. Based on open-source information research and conversations with special agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives, it was learned that Taurus International Manufacturing Incorporated currently manufactures their firearms in Porto Alegre, Brazil, and Bainbridge, Georgia. Taurus International Manufacturing Incorporated does not currently

manufacture any firearms within the state of Oklahoma. Based upon this information, the affiant believes there is probable cause to determine that the firearm seized from KILLER's possession during this incident was transported in interstate or foreign commerce.

19. Based on a review of this case and based on my knowledge and experience with violent crimes in Indian County, I, as your Affiant have probable cause to believe KILLER committed the offense Title 18, United States Code, Section, 922(g)(1) and 924(a)(8).

Respectfully Submitted,



Adam Noble, Special Agent
Federal Bureau of Investigation

Sworn to this 9th day of June, 2023



D. EDWARD SNOW
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF OKLAHOMA